

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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BKY No. 09-50779

In re:

Dennis E. Hecker,

**NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF RECORDS**

Debtor.

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TO: Entities specified by Local Rule 9013-3.

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 10:30 a.m. on December 2, 2009 Courtroom No. 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard.

3. Any response to this motion must be filed and served by delivery not later than November 27, 2009 which is three days before the time set for the hearing (excluding Saturdays, Sundays and holidays), or filed and served by mail not later than November 20, 2009 which is seven days before the time set for the hearing (excluding Saturdays, Sundays and holidays).  
**UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2. This proceeding arises under 11 U.S.C. §542 and Local Rule 6072-1.

5. The petition commencing this Chapter 7 case was filed on June 4, 2009. The case is now pending in this Court.

6. The Debtor, in Schedule B, listed a \$6 million claim against Gelco Corporation as a "sales commission agreement" ("**Sales Commission Agreement**").

7. Gelco has filed ADV No. 09-5039 against Dennis Hecker. In that adversary proceeding, Gelco claims, among other things, that it holds certain rights pursuant to an assignment of a claim against Dennis Hecker by VFS Financing, Inc. The Trustee has requested information regarding that purported assignment to no avail. A copy of a letter requesting information is attached hereto as Exhibit A.

8. The Trustee needs to obtain information from Gelco regarding monies owed on the Sales Commission Agreement and any purported offsets held by Gelco as a result of the purported assignment to Gelco. Accordingly, the Trustee seeks an order compelling Gelco to turnover, within 14 days from the date of the hearing, the following information:

- a. Copies of all agreements between Gelco corporation and Dennis Hecker, or any of Dennis Hecker's business entities;
- b. Copies of all documents relating to or evidencing the "Sales Commission Agreement" referred to in the Debtor's schedules.
- c. Copies of all documents relating to or evidencing amounts owed by Gelco to the Debtor or any of the Debtor's business entities from June 1, 2008 to date on any sales commission agreement or other agreement.
- d. Copies of any and all documents evidencing any payments made on any sales commission or other agreements between Gelco and Dennis Hecker or any of his business entities from June 1, 2008 to date.
- e. Copies of any and all documents relating to or evidencing any correspondence between Gelco and Dennis Hecker or any of his business entities or representatives relating to any payments owed on any sales commission or other agreements from June 1, 2008 to date.
- f. Copies of any and all documents evidencing or relating to the assignment of claims to Gelco as referenced in ADV No. 09-5039.

WHEREFORE, the Trustee seeks an Order of the Court: A) requiring Gelco to turnover the following documents within 7 days from the date of the Order:

1. Copies of all agreements between Gelco Corporation and Dennis Hecker, or any of Dennis Hecker's business entities.

2. Copies of all documents relating to or evidencing the "Sales Commission Agreement" referred to in the Debtor's schedules.

3. Copies of all documents relating to or evidencing amounts owed by Gelco to the Debtor or any of the Debtor's business entities from June 1, 2008 to date on any sales commission agreement or other agreement.

4. Copies of any and all documents evidencing any payments made on any sales commission or other agreements between Gelco and Dennis Hecker or any of his business entities from June 1, 2008 to date.

5. Copies of any and all documents relating to or evidencing any correspondence between Gelco and Dennis Hecker or any of his business entities or representatives relating to any payments owed on any sales commission or other agreements from June 1, 2008 to date.

6. Copies of any and all documents evidencing or relating to the assignment of claims to Gelco as referenced in ADV No. 09-5039.

B) Granting such other relief as is just and equitable.

**LEONARD, O'BRIEN,  
SPENCER, GALE & SAYRE LTD.**

/e/ Matthew R. Burton

Dated: November 16, 2009

By: \_\_\_\_\_  
Matthew R. Burton, #210018  
Attorneys for Trustee  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

**VERIFICATION**

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on November 16, 2009

/e/ Randall L. Seaver

\_\_\_\_\_  
Randall L. Seaver, Trustee

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LAW OFFICE

**FULLER, SEAVER & RAMETTE, P.A.**

A PROFESSIONAL CORPORATION

Timothy D. Fuller  
Randall L. Seaver  
James E. Ramette

PORTLAND CORPORATE CENTER  
12400 PORTLAND AVENUE SOUTH, SUITE 132  
BURNSVILLE, MN 55337

Telephone: (952) 890-0888  
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Matthew D. Swanson (Law Clerk)

October 28, 2009

Joseph W. Lawver  
Messerli & Kramer  
1800 Fifth Street Towers  
150 South 5<sup>th</sup> Street  
Minneapolis, MN 55402

RE: Gelco Corporation d/b/a GE Fleet Services v. Hecker  
BKY No. 09-50779  
ADV No. 09-5039  
Our File No. 09-12255

Dear Mr. Lawver:

In reviewing the Complaint you filed on behalf of your client, Gelco Corporation, ADV No. 09-5039, I noted reference, at paragraph 20, to an assignment by VFS Financing, Inc., to GE Fleet. I would appreciate it if you would provide me with a copy of that assignment within two weeks from the date of this letter. Thank you.

Very truly yours,

**FULLER, SEAVER & RAMETTE, P.A.**

  
Randall L. Seaver

[rlseaver@fullerseaverramette.com](mailto:rlseaver@fullerseaverramette.com)

RLS:klf

**EXHIBIT A**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

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**UNSWORN CERTIFICATE OF SERVICE**

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I hereby certify that on November 16, 2009, I caused the following documents:

***Notice of Hearing and Motion for Turnover of Records and Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first-class mail, postage paid, to the following:

Dennis E. Hecker  
P.O. Box 1017  
Crosslake, MN 56442

Michael B. Lubic  
Sonnenschein Nath & Rosenthal LLP  
601 S Figueroa St Ste 2500  
Los Angeles, CA 90017-5704

Michael W. Malter  
Binder & Malter LLP  
2775 Park Avenue  
Santa Clara, CA 95050

/e/ Stephanie Wood

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Dated: November 16, 2009

Stephanie Wood  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Dennis E. Hecker,

**ORDER**

Debtor.

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This case is before the court on the motion of Randall L. Seaver, Chapter 7 Trustee, for turnover of property of the estate.

Upon the motion and the files,

IT IS HEREBY ORDERED that within seven (7) days from the entry of this Order Gelco Corporation shall turnover to the Trustee the following:

1. Copies of all agreements between Gelco Corporation and Dennis Hecker, or any of Dennis Hecker's business entities.
2. Copies of all documents relating to or evidencing the "Sales Commission Agreement" referred to in the Debtor's schedules.
3. Copies of all documents relating to or evidencing amounts owed by Gelco to the Debtor or any of the Debtor's business entities from June 1, 2008 to date on any sales commission agreement or other agreement.
4. Copies of any and all documents evidencing any payments made on any sales commission or other agreements between Gelco and Dennis Hecker or any of his business entities from June 1, 2008 to date.
5. Copies of any and all documents relating to or evidencing any correspondence between Gelco and Dennis Hecker or any of his business entities or representatives relating to any payments owed on any sales commission or other agreements from June 1, 2008 to date.

6. Copies of any and all documents evidencing or relating to the assignment of claims to Gelco as referenced in ADV No. 09-5039

**BY THE COURT:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert J. Kressel  
Chief U.S. Bankruptcy Judge

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